

DA 3-1-01
THE SUPREME COURT FOR THE STATE OF FLORIDA

FILED
THOMAS D. HALL

APR 09 2001

CASE NO: 95,886, 00-703

CLERK, SUPREME COURT
BY _____

**INQUIRY CONCERNING A JUDGE, NO. 99-10 AND NO. 00-17
HONORABLE MATTHEW MCMILLAN**

**MOTION TO RESCHEDULE THE TIME OF ORAL ARGUMENTS IN
THE CASE OF JUDGE MATT MCMILLAN**

**SUBMITTED BY
Citizens and Registered Voters of Manatee County and the
State of Florida**

On this 6th day of April in the year of our Lord 2001

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy
has been sent via US Mail to:

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V. Arman Special 04/6/01

**MOTION TO RESCHEDULE THE TIME OF ORAL ARGUMENTS IN
THE CASE OF JUDGE MATT MCMILLAN**

Citizens and Registered Voters of Manatee County and the State of Florida, a citizens group of registered voters in Manatee County, Florida, who have expressed to the Court serious concern regarding this proceeding and its far-reaching implications for the voters of this community, was granted an order to appear as Amicus Curiae on February 28, 2001. While this organization recognizes that it will not be afforded the opportunity to participate in Oral Arguments in the McMillan case, **Citizens and Registered Voters of Manatee County and the State of Florida** moves this Honorable Court for an Order rescheduling the time of Oral Arguments in these proceedings, currently scheduled for 10:00 AM on May 1, 2001, to some time after 1:00 PM on that same date and as grounds therefore would assert:

1. It is of the utmost importance that representatives of this organization observe the proceedings on May 1st on behalf of the voters of Manatee County, as the proceedings and the Court's decision will have far-reaching implications regarding the ability of voters to elect their judges without fear that appointed, politically-motivated bodies such as the JQC will succeed in nullifying the election process.
2. Attendance at the proceedings at the time currently scheduled would create a practical and/or a financial hardship for representatives, who would be forced to either leave Manatee County, Florida at 4:30 in the morning, or in the alternative, leave the night before and spend an evening in a motel in Tallahassee.
3. Representatives of **Citizens and Registered Voters of Manatee County and the State of Florida** attended the trial of Judge McMillan, which was held in Manatee County, Florida, October 30th through November 2nd. In reviewing the Findings, and now the Reply of the JQC, **Citizens and Registered Voters of Manatee County and the State of Florida** are deeply disturbed to note the bias, misrepresentations, and dubious conclusions which are in no way consistent with the evidence, neither the testimony nor the

exhibits, that was presented at Judge McMillan's trial. We respectfully point out to the Court that had said representatives been prevented from attending Judge McMillan's trial for practical or financial reasons, we might have been unable to bring these important matters to the Court's attention. For example, we might not have been aware of the following facts, which were made evident at the trial:

- a. That a Sheriff's Deputy testified without a doubt that she was pressured by George Brown via a personal, intimidating phone call during the course of investigating his adult son, and that Brown retaliated against her for her role in said investigation when she appeared before him in subsequent cases during the course of her duties.
- b. That all evidence presented pointed to outside pressure applied to Sheriff Charlie Wells and others to endorse George Brown, including the fact that Wells (proven to be a member of the Good Ole Boy Club, despite his denial) lied under oath and changed his sworn answer five times when asked why he endorsed George Brown.
- c. That George Brown's personal calendar, relied upon by the JQC, was demonstrated in open court to be fraudulent when cross-referenced with actual County records kept by the Clerk of the Court.
- d. That witnesses who did not even know Judge McMillan testified that George Brown regularly left the court house early in the day, did not return, arrived late, and was often at home during regular working hours, supporting Judge McMillan's rightful criticism of Brown's poor work ethic.
- e. That independent researchers and experts testified that Judge McMillan's research regarding the failures of his opponent and predecessors to adequately collect court costs and restitution and his improved collection rate was 100% accurate.

f. That even while acknowledging that certain mistakes, however insignificant, were due to circumstances beyond Judge McMillan's control, the JQC still wrongfully and illogically convicted Judge McMillan of knowing and intentional misrepresentations.

g. That the JQC, in its Findings, Conclusions and Recommendations and in its Reply, violated the ethical rules of the Florida Bar by falsely citing pages in the trial transcript to the Court that did not comport with their representations.

h. That Judge McMillan was contrite when appropriate, and expressed sincere regret for any unintentional errors or for poorly chosen words during his campaign.

i. That Judge McMillan did not benefit from his campaign literature, but instead only a won majority of votes in precincts where he and his supporters knocked on doors and otherwise made personal contact.

j. That the "pro-law enforcement" campaign literature and the unethical actions of George Brown and his supporters, particularly his fundraiser and campaign advisor Paul Scharff, represented far more serious examples of misconduct than any campaign practices of Judge McMillan.

k. That Chief Judge Tom Gallen, the only witness the Prosecution was able to produce to testify as to Judge McMillan's alleged lack of fitness, and who has never observed Judge McMillan in court, presented blatantly false testimony and in fact was caught violating the Rule of Sequestration by running secret audio/video cables into his personal hearing room during Judge McMillan's trial, an action far more deserving of censure than anything of which Judge McMillan was accused.

l. That all witnesses, including defense attorneys, assistant state attorneys, and private attorneys who have appeared before Judge McMillan, testified that he is an exceptional

judge, innovative, knowledgeable, creative, courteous, hard-working, and caring; and no witnesses who had appeared before him testified that he was in any way unfit to hold office.

4. The JQC has ignored, denied, misrepresented or outright concealed this and other important evidence in its submission to the Court as well as in its contacts with the media, and it is only through combination of courtroom observation and a review of the records and pleadings filed in these proceedings, that the community at large has had access to the truth.

5. The JQC has abused and manipulated the system in which it operates for the benefit of those in power, disregarding the will of the voters and arrogantly assuming that its self-serving actions will be sanctioned by the Florida Supreme Court. Now only the voice of the voters and watchful eye of the citizens of this community stands in its way, refuting its false statements and distortions, and its hiding or ignoring of the evidence.

6. Citizen observers/intervenors must be able to attend this and any future proceedings in this matter, for if the JQC continues to operate without accountability and succeeds in convincing the Court that its misrepresentations of the record in its Findings and Reply were instead truthful and accurate, Judge McMillan's subsequent removal will represent the ultimate defeat of the People at the hands of the powerful elite, and this out-of-control group will not only have succeeded in its goal of overturning the results of the Brown/McMillan election, thereby disenfranchising the voters of this County, but, ultimately, will dictate by precedent all future judicial elections in Florida, in effect nullifying the recent referendum in which the voters expressed their firm desire to continue to elect County and Circuit judges.

WHEREFORE:

We, the **Citizens and Voters of Manatee County in the State of Florida** request this Honorable Court to reschedule Oral Arguments to some time after 1:00 PM on May 1, 2001 so that it will not represent an undue burden for concerned citizens and representatives of this organization to attend.

Submitted on behalf of:

**CITIZENS AND VOTERS OF MANATEE COUNTY AND THE STATE OF
FLORIDA**

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4/6/01